

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

JANICE A. HAMILTON,)
v.)
Plaintiff,)
No. 05-1037-T-An
COMMISSIONER OF)
SOCIAL SECURITY,)
Defendant.)

ORDER GRANTING PLAINTIFF'S MOTION FOR ATTORNEY FEES

Plaintiff filed this action to obtain judicial review of Defendant Commissioner's final decision denying her application for benefits under the Social Security Act. On August 14, 2005, the court entered an order reversing the decision of the Commissioner and remanding the action for further review and a new hearing pursuant to sentence four of 42 U.S.C. 406(b). Plaintiff has now filed a motion for an award of attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2414(d) ("EAJA"). The Commissioner has responded to the motion and concedes that Plaintiff's request for attorney fees under the EAJA in the amount of \$2,856 should be awarded.

Consequently, Plaintiff's motion is GRANTED.¹

IT IS SO ORDERED.

James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

22 December 2005
DATE

¹ The EAJA requires a district court to "award to a prevailing party ... fees and other expenses ... incurred by that party in any civil action ..., including proceedings for judicial review of agency action, brought by or against the United States ..., unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust." 28 U.S.C. § 2412(d)(1)(A). A party who wins a sentence-four remand order is a prevailing party for purposes of the EAJA. Shalala v. Schaefer, 509 U.S. 292, 300-02 (1993).



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Honorable James Todd
US DISTRICT COURT